



W.P.Crl.(MD)No.464 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **29.06.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.Crl.(MD)No.464 of 2026

Padmanabhan

... Petitioner

Vs.

1. The Superintendent of Police,
Tenkasi District, Tenkasi.

2. The Inspector of Police,
Alwarkurichy Police Station,
Tenkasi District.

3. Lakshmanan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to provide police Protection to fence the petitioner's lands in Ayan Punjai S.No.243/1 admeasuring 6.26 acres and S.No.242/1B, admeasuring 4.50 ares situated at Adaichani Village, Mukkudal SRO, Cheranmahadevi Registration District, Tenkasi Taluk, Tenkasi District based on the complaint of the petitioner dated 07.01.2026.

For Petitioner : Mr.M.Sakthi Kumar
for Mr.T.Selvan

For Respondents : Mr.C.Susikumar (R1 & R2)
Government Advocate (Crl.)
Mr.R.T.Arivu Kumar (R3)



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ORDER

This petition has been filed seeking for a direction to the 2nd respondent to provide police protection to fence the petitioner's lands in Ayan Punjai S.No. 243/1 admeasuring 6.26 acres and S.No.242/1B, admeasuring 4.50 ares situated at Adaichani Village, Mukkudal SRO, Cheranmahadevi Registration District, Tenkasi District, based on the complaint of the petitioner dated 07.01.2026.

2. When the matter was taken up for hearing, the learned Government Advocate for the respondent police submitted that on receipt of the petitioner's complaint, both the petitioner and the third respondent were put on notice, pursuant to which an enquiry was conducted. It was further submitted that the petitioner had voluntarily given a written undertaking stating that he would work out his remedy by approaching the Court of law to resolve the dispute.

3. The learned counsel appearing for the petitioner submitted that this is the appropriate court of law where the petitioner had come for justice. He further contended that the petitioner is the absolute owner of the subject property measuring about 11 acres situated at Adaichani Village, Mukkudal SRO, Cheranmahadevi Registration District, Tenkasi District. According to the



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learned counsel, the third respondent, claiming to be a tenant under the petitioner's vendor, is in occupation of a small building situated in an extent of four cents of the entire property, wherein a TASMAL shop was earlier functioning, which was also closed by the authorities due to the persistent efforts taken by the petitioner.

4. The learned counsel further submitted that, notwithstanding the closure of the TASMAL shop, the third respondent as a miscreant continues to remain in occupation and is causing obstruction to the petitioner's peaceful possession and enjoyment of the remaining extent of the property. In such circumstances, the petitioner seeks the indulgence of this Court for a direction to the respondent police to provide adequate police protection to enable him to put up a fence around his property without any interference.

5. The learned counsel appearing for the third respondent submitted that the third respondent has instituted a civil suit in O.S. No.43 of 2024 on the file of the Principal District Court, Tenkasi, seeking a decree of permanent injunction restraining the petitioner from interfering with his peaceful possession and enjoyment of the subject building. It was further submitted that the petitioner has failed to enter appearance in the said suit and has



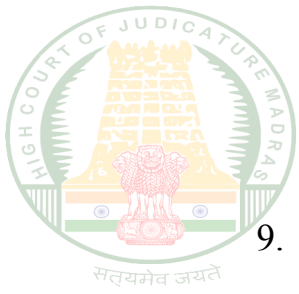
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consequently been set ex parte. According to the learned counsel, the suit now stands posted for recording the evidence of the third respondent.

6. The learned counsel further contended that the third respondent has been in possession and enjoyment of the subject building by virtue of a tenancy under a rental agreement entered into with the petitioner's vendor. On the above grounds, he sought for the dismissal of the writ petition.

7. Heard the learned counsel on either sides and carefully perused the materials placed before this Court.

8. It is seen that the third respondent has already instituted a suit in O.S. No.43 of 2025 on the file of the Principal District Court, Tenkasi, seeking a decree of permanent injunction. Though no interim order of injunction has been granted in favour of the third respondent, it is evident that the petitioner has been set ex parte in the said suit and the matter is presently posted for recording the evidence of the third respondent. However, in the present writ petition, the relief sought for by the petitioner is only to direct the second respondent police to provide adequate police protection to enable him to put up a fence around his property mentioned supra.

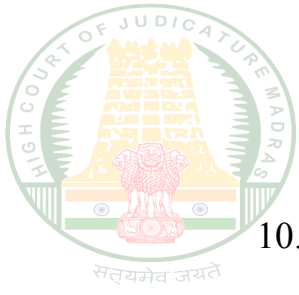


9. In view of the above, this Court is of the considered view that the relief sought for by the petitioner can be granted, subject to the following conditions:

(i) The petitioner is at liberty to take appropriate steps to have the ex parte order passed against him in O.S. No.43 of 2025 on the file of the Principal District Court, Tenkasi, set aside in the manner known to law.

(ii) The second respondent police is directed to provide adequate police protection to enable the petitioner to put up a fence around his property comprised in Ayan Punjai Survey No.243/1, measuring 6.26 acres, and Survey No.242/1B, measuring 4.50 acres, situated at Adaichani Village, Mukkudal Sub-Registrar Office, Cheranmahadevi Registration District, Tenkasi District, on payment of the requisite charges in terms of G.O.Ms.No.139, Home (Pol-VIII) Department, dated 04.03.2019, leaving the portion of the property presently in the possession and enjoyment of the third respondent.

(iii) It is made clear that, in the event the suit in O.S. No.43 of 2025 is ultimately dismissed or the third respondent is otherwise found not entitled to any relief in respect of the building in question, it is open to the petitioner to approach the second respondent police for appropriate police protection to put up a fence in respect of the remaining portion of the property, if such protection is required.



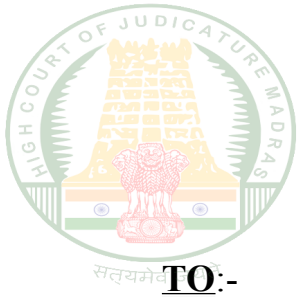
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10. With the above direction, this writ petition stands disposed of.

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NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Superintendent of Police,
Tenkasi District, Tenkasi.
2. The Inspector of Police,
Alwarkurichy Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
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Dated
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